

AO 440 (Rev 10/93) Summons in a Civil Action - SDNY WEB 4/99

United States District Court

Southern DISTRICT OF New York

ROBERT VAZQUEZ (AND WIFE, BERNICE
VAZQUEZ)

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER: (AKH)

ABATEMENT PROFESSIONALS, ET.
AL.,

SEE ATTACHED RIDER,

08 CIV 5852

Judge Hellerstein

TO: (Name and address of defendant)

SEE ATTACHED RIDER

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

WORBY GRONER EDELMAN & NAPOLI BERN, LLP
115 Broadway, 12th Floor
New York, New York 10006
212-267-3700

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

JUN 27 2008

CLERK

DATE

(BY) DEPUTY CLERK

AO 440 (Rev 10/93) Summons in a Civil Action - SDNY WEB 4/99

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me ¹	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____		
<input type="checkbox"/> Returned unexecuted: _____ _____ _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____</p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p>Date</p> </div> <div style="text-align: center;"> <p>Signature of Server</p> </div> </div> <div style="text-align: center; margin-top: 20px;"> <p>Address of Server</p> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

RIDER

ROBERT VAZQUEZ AND BERNICE VAZQUEZ,

Plaintiffs,

- against -

ON-SITE:

7 WORLD TRADE COMPANY, L.P.; A RUSSO WRECKING, INC.; ABM INDUSTRIES, INC.; ABM JANITORIAL NORTHEAST, INC.; AMEC CONSTRUCTION MANAGEMENT, INC.; AMEC EARTH & ENVIRONMENTAL, INC.; ANTHONY CORTESE SPECIALIZED HAULING LLC.; ATLANTIC HEYDT CORP.; BECHTEL ASSOCIATES PROFESSIONAL CORPORATION; BECHTEL CONSTRUCTION, INC.; BECHTEL CORPORATION; BECHTEL ENVIRONMENTAL, INC.; BERKEL & COMPANY, CONTRACTORS, INC.; BIG APPLE WRECKING & CONSTRUCTION CORP.; BOVIS LEND LEASE LMB, INC.; BREEZE CARTING CORP.; BREEZE NATIONAL INC.; BRER-FOUR TRANSPORTATION CORP.; BURO HAPPOLD CONSULTING ENGINEERS, P.C.; C.B. CONTRACTING CORP.; CANRON CONSTRUCTION CORP.; CORD CONTRACTING CO., INC.; DAKOTA DEMO-TECH; DIAMOND POINT EXCAVATING CORP.; DIEGO CONSTRUCTION, INC.; DIVERSIFIED CARTING, INC.; DMT ENTERPRISE, INC.; D'ONOFRIO GENERAL CONTRACTORS CORP.; EAGLE LEASING & INDUSTRIAL SUPPLY, INC.; EAGLE ONE ROOFING CONTRACTORS INC.; EJ DAVIES, INC.; EN-TECH CORP.; EVERGREEN RECYCLING OF CORONA(EROC); EWELL W. FINLEY, P.C.; EXECUTIVE MEDICAL SERVICES, P.C.; FLEET TRUCKING, INC.; FRANCIS A. LEE EXTERIOR RESTORATION, INC.; FTI TRUCKING, INC.; GILSANZ, MURRAY, & STEFICEK, LLP, GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC.; HALLEN WELDING SERVICE, INC.; H.P. ENVIRONMENTAL; KOCH SKANSKA INC; LAQUILA CONSTRUCTION INC.; LASTRADA GENERAL CONTRACTING CORP.; LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEERS P.C.; LIBERTY MUTUAL GROUP; LOCKWOOD, KESSLER & BARTLETT, INC.; LUCIUS PITKIN, INC.; LZA TECH-DIV OF THORTON TOMASETTI; MANAFORT BROTHERS INCORPORATED; MAZZOCCHI WRECKING, INC.; HUDSON MERIDIAN CONSTRUCTION GROUP, LLC F/K/A MERIDIAN CONSTRUCTION CORP.; MORETRENCH AMERICAN CORP.; MRA ENGINEERING, PC; MUESER RUTLEDGE CONSULTING ENGINEERS, INC; NACIREMA INDUSTRIES INCORPORATED; NEW YORK CRANE & EQUIPMENT CORP.; NICHOLSON CONSTRUCTION COMPANY; PETER SCALAMANDRE & SONS, INC.; PINNACLE ENVIRONMENTAL CORP.; PLAZA CONSTRUCTION CORP.; PRO SAFETY SERVICES LLC.; PT & L CONTRACTING CORP.; ROBER SILMAN ASSOCIATES; ROBERT L. GEROSA, INC.; RODAR ENTERPRISES, INC.; ROYAL GM, INC; SAB TRUCKING INC.; SAFEWAY ENVIRONMENTAL CORP.; SEASONS INDUSTRIAL CONTRACTING; SEMCOR EQUIPMENT & MANUFACTURING CORP.; SILVERITE CONTRACTING CORPORATION; SIMPSON GUMPERTZ & HEGER INC.; SKIDMORE, OWING & MERRILL LLP; SURVIVAIR; TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN; TISHMAN CONSTRUCTION CORPORATION OF NEW YORK; TISHMAN INTERIORS CORPORATION; TISHMAN SPEYER PROPERTIES; THORTON-TOMASETTI GROUP, INC.; TORRETTA TRUCKING, INC.; TOTAL SAFETY CONSULTING, L.L.C.; TUCCI EQUIPMENT RENTAL CORP.; TULLY CONSTRUCTION CO., INC.; TURNER CONSTRUCTION COMPANY; ULTIMATE DEMOLITION/CS HAULING (JOINT VENTURE); VOLLMER ASSOCIATES LLP; WEEKS MARINE, INC.; WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C.; WHITNEY CONTRACTING INC.; WOLKOW-BRAKER ROOFING CORP.; WORLD TRADE CENTER PROPERTIES LLC.; WSP CANTOR SEINUK; YANNUZZI & SONS, INC; YONKERS CONTRACTING COMPANY, INC.; YORK HUNTER CONSTRUCTION, LLC; ZIEGENFUSS DRILLING, INC.,

OFF-SITE:

ABATEMENT PROFESSIONALS, ABSCOPE ENVIRONMENTAL, INC., APPLIED ENVIRONMENTAL INC., BRISTOL ENVIRONMENTAL INC., CATAMOUNT ENVIRONMENTAL INC., CLAYTON ENVIRONMENTAL CONSULTANTS, COMPREHENSIVE ENVIRONMENTAL SERVICE CO., CONTAMINANT CONTROL, INC., COVINO ENVIRONMENTAL ASSOCIATES, INC., CRITERION LABORATORIES INC., DARLING ASBESTOS DISPOSAL COMPANY INC., DIVERSIFIED ENVIRONMENTAL CORPORATION, DYNASERV INDUSTRIES, INC., ENVIRONMENTAL PRODUCTS AND SERVICES, INC., ENVIRONMENTAL SERVICES AND TECHNOLOGIES, INC., ENVIRONMENTAL TESTING, INC., ENVIROSERVE INC., HILLMAN ENVIRONMENTAL GROUP, LLC., LVI ENVIRONMENTAL SERVICES, INC., LVI SERVICES INC., MARCOR REMEDIATION INC., MILRO ASSOCIATES, INC., NORWICH LABORATORIES, PAR ENVIRONMENTAL CORPORATION, PINNACLE ENVIRONMENTAL CORPORATION, POTOMAC ABATEMENT INC., ROYAL ENVIRONMENTAL INC., SENCAM, INC., SPECIALTY SERVICE CONTRACTING INC., SYSKA AND HENNESSY, TELLABS OPERATIONS, INC., TISHMAN INTERIORS CORPORATION, TTI ENVIRONMENTAL SERVICES INC., VERIZON NEWYORK, INC, AND WILLIAM F. COLLINS, ARCHITECT, ET AL

Defendants.

X

Defendants' Addresses:**ON-SITE:**

7 WORLD TRADE COMPANY, L.P.
Carb, Luria, Glassner, Cook & Kufeld
529 Fifth Avenue
New York, NY 10017
C/O Edward Tanenhouse, Esq.
7 World Trade Center 38th Floor
New York, NY 10048

A RUSSO WRECKING
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

ABM INDUSTRIES, INC.
C/O JEFFERY SAMEL & PARTNERS
150 BROADWAY 20TH FLOOR
NEW YORK, NEW YORK 10038

ABM JANITORIAL NORTHEAST, INC.
C/O JEFFERY SAMEL & PARTNERS
150 BROADWAY 20TH FLOOR
NEW YORK, NEW YORK 10038

AMEC CONSTRUCTION
MANAGEMENT, INC.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

AMEC EARTH & ENVIRONMENTAL,
INC.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

ANTHONY CORTESE SPECIALIZED
HAULING LLC.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

ATLANTIC HEYDT CORP
C/O FRENCH & RAFTER, LLP
29 BROADWAY 27TH FLOOR
NEW YORK, NY 10006

BECHTEL ASSOCIATES
PROFESSIONAL CORPORATION
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

BECHTEL CONSTRUCTION, INC.,
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

BECHTEL CORPORATION
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

BECHTEL ENVIRONMENTAL, INC.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

BERKEL & COMPANY,
CONTRACTORS, INC.,
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

DIVERSIFIED CARTING, INC.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

DMT ENTERPRISE, INC.
255 Lake Avenue
Yonkers, NY 10701

EAGLE LEASING & INDUSTRIAL
SUPPLY
1726 FLATBUSH AVENUE
BROOKLYN, NY 11210

EAGLE ONE ROOFING
CONTRACTORS INC.,
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

EJ DAVIES, INC.,
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

EN-TECH CORP
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

EVERGREEN RECYCLING OF
CORONA(EROC)
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

EWELL W. FINLEY, P.C.,
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

EXECUTIVE MEDICAL SERVICES,
P.C.,
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

FLEET TRUCKING, INC.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

FRANCIS A. LEE COMPANY, A
CORPORATION
35 Bethpage Road
Hicksville, NY 11801

FTI TRUCKING
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

GILSANZ MURRAY STEFICEK, LLP
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

GOLDSTEIN ASSOCIATES
CONSULTING ENGINEERS, PLLC
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

MORETRENCH AMERICAN
CORPORATION
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

MRA ENGINEERING P.C.,
600 Hempstead Turnpike
West Hempstead, NY 11552-
1036

MUESER RUTLEDGE
CONSULTING ENGINEERS
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

NACIREMA INDUSTRIES
INCORPORATED
211 West 5th Street
Bayonne, NJ 07002

NEW YORK CRANE &
EQUIPMENT CORP.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

NICHOLSON
CONSTRUCTION COMPANY
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

PETER SCALAMANDRE &
SONS, INC.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

PINNACLE
ENVIRONMENTAL CORP
C/O Paul O'Brien
64-54 Maurice Avenue
Maspeth, NY 11378

PLAZA CONSTRUCTION
CORP.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

PRO SAFETY SERVICES,
LLC
Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

PT & L CONTRACTING
CORP
1 Kalisa Way Ste 301
Paramus, NY 07652

ROBER SILMAN
ASSOCIATES
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

ROBERT L GEROSA, INC
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

TISHMAN CONSTRUCTION
CORPORATION OF MANHATTAN
C/O Cozen O'Connor
1 Newark Center, Suite 1900
Newark, NJ 07102

TISHMAN CONSTRUCTION
CORPORATION OF NEW YORK
C/O Cozen O'Connor
1 Newark Center, Suite 1900
Newark, NJ 07102

TISHMAN INTERIORS
CORPORATION
C/O Daniel R. Tishman
666 5th Avenue
New York, NY 10103

TISHMAN SPEYER PROPERTIES
C/O Daniel R. Tishman
666 5th Avenue
New York, NY 10103

THORTON-TOMASETTI GROUP
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

TORRETTA TRUCKING, INC
120 MOUNTAINVIEW AVENUE
STATEN ISLAND, NY 10314

TOTAL SAFETY CONSULTING,
LLC
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

TUCCI EQUIPMENT RENTAL
CORP
Daneen Gazzola
3495 Rombouts Avenue
Bronx, NY 10475

TULLY CONSTRUCTION CO.,
INC.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

TURNER CONSTRUCTION
COMPANY
C/O London Fischer, LLP
59 Maiden Lane
New York, NY 10038

ULTIMATE DEMOLITIONS/CS
HAULING
500 New Street
Oceanside, NY 11572

VOLLMER ASSOCIATES LLP
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

WEEKS MARINE, INC.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

WEIDLINGER ASSOCIATES,
CONSULTING ENGINEERS, P.C.,

BIG APPLE WRECKING &
CONSTRUCTION CORP
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

BOVIS LEND LEASE LMB, INC.
C/O Mound Cotton Wollan & Greengrass
One Battery Park Plaza
New York, NY 10004

BREEZE CARTING CORP
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

BREEZE NATIONAL, INC.,
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

BRER-FOUR TRANSPORTATION
CORP.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

BURO HAPPOLD CONSULTING
ENGINEERS, P.C.,
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

C.B. CONTRACTING CORP
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

CANRON CONSTRUCTION CORP
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

CORD CONTRACTING CO., INC
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

D'ONOFRIO GENERAL
CONTRACTORS CORP
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

DAKOTA DEMO-TECH
140 Old Northport Road
Kings Park, NY 11754

DIAMOND POINT EXCAVATING
CORP
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

DIEGO CONSTRUCTION, INC.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

HALLEN WELDING SERVICE, INC.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

HP ENVIRONMENTAL
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

KOCH SKANSKA INC.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

LAQUILA CONSTRUCTION INC
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

LASTRADA GENERAL
CONTRACTING CORP
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

LESLIE E. ROBERTSON
ASSOCIATES CONSULTING
ENGINEER P.C.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

LIBERTY MUTUAL GROUP
C/O CT CORPORATION SYSTEM
111 Eighth Avenue
New York, NY 10011

LOCKWOOD KESSLER &
BARTLETT, INC.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

LUCIUS PITKIN, INC
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

LZA TECH-DIV OF THORTON
TOMASETTI
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

MANAFORT BROTHERS, INC.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

MAZZOCCHI WRECKING, INC.
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

HUDSON MERIDIAN
CONSTRUCTION GROUP, LLC F/K/A
MERIDIAN CONSTRUCTION CORP.
40 Rector Street
18th Floor
New York, NY 10006

RODAR ENTERPRISES, INC
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

ROYAL GM INC.,
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

SAB TRUCKING INC.
C/O SAVERIO ANASTASIO
7 Pironi Court
Woodbury, NY 11797

SAFEWAY
ENVIRONMENTAL CORP
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

SEASONS INDUSTRIAL
CONTRACTING,
266 GREEN VALLEY RD
STATEN ISLAND, NY 10312

SEMCOR EQUIPMENT &
MANUFACTURING CORP.
18 Madison Street
Keyport, NJ 07735

SILVERITE CONTRACTING
CORPORATION
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

SIMPSON GUMPERTZ &
HEGER INC
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

SKIDMORE OWINGS &
MERRILL LLP
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

SURVIVAIR
3001 S SUSAN ST
SANTA ANA, CA 92704

C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

WHITNEY CONTRACTING INC.
C/O Joanne Pisano, P.C.
1250 Central Park Avenue
Yonkers, NY 10704

WOLKOW-BRAKER ROOFING
CORP
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

WORLD TRADE CENTER
PROPERTIES LLC
C/O Edward Tanenhouse, Esq.
7 World Trade Center 38th Floor
New York, NY 10048

WSP CANTOR SEINUK GROUP
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

YANNUZZI & SONS INC
56 Oakwood Avenue
Orange, NJ 07050

YONKERS CONTRACTING
COMPANY, INC.,
C/O Patton Boggs, LLP
1 Riverfront Plaza, 6th Floor
Newark, NJ 07102

YORK HUNTER CONSTRUCTION,
LLC
107 Old Goshen Road
South Seaville, NJ 08246

ZIGENFUSS DRILLING, INC.,
C/O CT CORPORATION SYSTEM
111 Eighth Avenue
New York, NY 10011

OFF-SITE:

Abatement Professionals
590 County Rd.
Suite 2
Westbrook, ME 04092-1905

Abscope Environmental, Inc.
1 Commercial Drive
Canastota, NY 13032

Applied Environmental Inc.
200 Fairbrook Drive
Suite 201
Herndon, VA 20170

Bristol Environmental Inc.
1123 Beaver Street
Bristol, PA 19007

Catamount Environmental Inc.
160-15 Catamount Lane
Wilmington, VT 05363

Clayton Environmental Consultants
Bureau Veritas Certification (NA)
515 West Fifth Street
Jamestown, NY 14701

Comprehensive Environmental Service Co.
64 Dilla Street
Milford, MA 01757

Contaminant Control, Inc.
438-C Robeson Street
Fayetteville, NC 08301

Covino Environmental Associates, Inc.
300 Wildewood Ave
Woburn, MA 01801

Criterion Laboratories Inc.
3370 Progress Drive
Suite J
Bensalem, PA 19020

Darling Asbestos Disposal Company Inc.
52 Spark Street
Brockton, MA 02302

Diversified Environmental Corporation
52 Pemberton Square
Boston, MA 02108

Dynaserv Industries, Inc.
4223 James Street
East Syracuse, NY 13057-2179

Environmental Products and Services, Inc.
529 Route 303
Orangeburg, NY 10962

Environmental Services and Technologies, Inc.
14115 Lovers Lane
Suite 158
Culpeper, VA 22701

Environmental Testing, Inc.
4619 North Sante Fe
Oklahoma City, OK 73118

Enviroserve Inc.
603 South Wilson Avenue
Dunn, NC 28334

HILLMAN ENVIRONMENTAL GROUP, LLC.
1600 Route 22 East
Union, NJ 07083

LVI Environmental Services, Inc.
80 Broad Street
3rd Floor
New York, NY 10004

LVI Services Inc.
80 Broad Street
3rd Floor
New York, NY 10004

Marcor Remediation Inc.
246 Cockeysville Road
Suite 1
Hunt Valley, MD 21030

Milro Associates, Inc.
41 Hanse Avenue
Freeport, NY 11520-4601

Norwich Laboratories
62 Main Street
Hartfield, MA 01038

PAR Environmental Corporation
20-F Mountainview Avenue
Orangeburg, NY 10962

Pinnacle Environmental Corporation
c/o Paul O'Brien
64-54 Maurice Avenue
Maspeth, NY 11378

Potomac Abatement Inc.
9033 Red Branch Road
Suite A
Columbia, MD 21045

Royal Environmental Inc.
720 Lexington Avenue
Rochester, NY 14613-1808

Sencam, Inc.
145 Marston Street
Lawrence, MA 01841

Specialty Service Contracting Inc.
845 Broad Avenue
Ridgefield, NJ 07657

Syska and Hennessy
11 West 42nd Street
New York, NY 10036-2300

Tellabs Operations, Inc.
1415 West Diehl Road
Tax Dept. M/S 119
Napperville, IL 60563-2349

Tishman Interiors Corporation
666 5th Avenue
New York, NY 10103

TTI Environmental Services Inc.
4 East Stow Road
Marlton, NJ 08053

Verizon New York, Inc
1095 Avenue of the Americas
New York, NY 10001

William F. Collins, Architect
12-12 Technology Drive
Setauket, NY 11733

Judge Hellerstein

08 CIV 5852

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE COMBINED WORLD TRADE CENTER
AND LOWER MANHATTAN DISASTER SITE
LITIGATION (straddler plaintiffs)

ROBERT VAZQUEZ AND BERNICE
VAZQUEZ

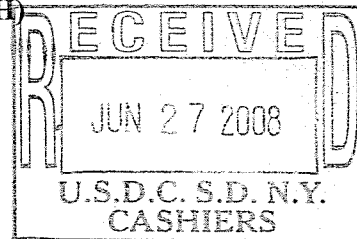
Plaintiffs,

- against -

(SEE SECTION I. B: DEFENDANTS)

Defendants.

21 MC 103 (AKH)



DOCKET NO.

**CHECK-OFF ("SHORT FORM")
COMPLAINT
RELATED TO THE
MASTER COMPLAINTS**

**PLAINTIFF(S) DEMAND A TRIAL BY
JURY**

By Case Management Order Number 1, of the Honorable Alvin K. Hellerstein, United States District Judge, dated March 28, 2007, ("the Order"), Plaintiff(s) file this "straddler" check-off complaint and incorporates herein the master complaints in 21 MC 100 and 21 MC 102.

NOTICE OF ADOPTION

All headings and paragraphs in the Master Complaints in 21 MC 100 and 21 MC 102 are applicable to and are adopted by the instant Plaintiff(s) as if fully set forth herein in addition to those paragraphs specific to the individual Plaintiff(s), which are listed below. These are marked with an "☑" if applicable to the instant Plaintiff(s), and specific case information is set forth, as needed, below.

Plaintiff(s), ROBERT VAZQUEZ AND BERNICE VAZQUEZ, by his/her/their attorneys WORBY GRONER EDELMAN & NAPOLI BERN, LLP, complaining of Defendant(s), respectfully allege:

I. PARTIES

A. PLAINTIFF(S)

1. ☒ Plaintiff, ROBERT VAZQUEZ (hereinafter the "Injured Plaintiff"), is an individual and a citizen of New York residing at 195 East 2nd Street, Apt. #3C, New York, NY 10009.

(OR)

2. Alternatively, ☐ _____ is the _____ of Decedent _____, and brings this claim in his (her) capacity as of the Estate of _____.

3. ☒ Plaintiff, Bernice Vazquez (hereinafter the "Derivative Plaintiff"), is a citizen of New York residing at 195 East 2nd Street, Apt. #3C, New York, NY 10009, and has the following relationship to the Injured Plaintiff:

☒ SPOUSE at all relevant times herein, is and has been lawfully married to Plaintiff ROBERT VAZQUEZ, and brings this derivative action for her (his) loss due to the injuries sustained by her husband (his wife), Plaintiff ROBERT VAZQUEZ.

☐ Parent ☐ Child ☐ Other: _____

4. In the period from 9/11/2001 to 3/9/2002 the Injured Plaintiff worked for NYC Department of Sanitation as a Sanitation Worker at:

Please be as specific as possible when filling in the following dates and locations

☒ The World Trade Center Site
Location(s) (i.e., building, quadrant, etc.) _____

From on or about 9/11/2001 until 10/26/2001;
Approximately 12 hours per day; for
Approximately 42 days total.

☐ The New York City Medical Examiner's Office
From on or about _____ until _____,
Approximately _____ hours per day; for
Approximately _____ days total.

☐ The Fresh Kills Landfill
From on or about _____ until _____;
Approximately _____ hours per day; for
Approximately _____ days total.

☒ The Barge
From on or about 9/11/2001 until 10/26/2001;
Approximately 12 hours per day; for
Approximately 42 days total.

☒ **Other:** See Chart Below

Instructions: To the extent that plaintiff has specificity as to the area within the building/location listed, such should be indicated on a separate line. If plaintiff is unable at this time to enunciate such specificity at this time, the applicable column should be marked with an "☒." (See Sample Chart below)

Each sub-paragraph shall be deemed to allege: "The Injured Plaintiff at times relevant to the claims herein, worked at (address/location) for the following (dates of employment), while in the employ of (name of employer), maintaining the position of (job title) and worked at said

*Please read this document carefully.
It is very important that you fill out each and every section of this document.*

location for approximately (hours).i.e. The Injured Plaintiff at times relevant to the claims herein, worked at 500 Broadway, for the following dates, 10/1/01-6/1/02, while in the employ of ABC Corp, maintaining the position of cleaner and worked at said location for approximately 20 hours.



The Injured Plaintiff worked off-site at the address/location for following dates of employment, for the employer, in the job title of, and for the number of hours, as specified below.

It is very important that you fill out each and every section of this document.

Sample Chart

	ADDRESS/ LOCATION	FLOOR(S)/ AREAS	DATES OF EMPLOYMENT	NAME OF EMPLOYER	JOB TITLE	JOB ACTIVITY	HOURS WORKED	SHIFT WORKED	Percent Of Total Hours	
<input checked="" type="checkbox"/>	31a	*500 Broadway	2	10/1/01-6/1/02	ABC CORP.	CLEANER	DEMOLITION/DEBRIS REMOVAL	20	8AM-5PM	50
<input checked="" type="checkbox"/>	31b	1600 Broadway	2	11/1/01-11/15/01	ABC CORP.	CLEANER	X	10	X	25
<input checked="" type="checkbox"/>	31c	1600 Broadway	basement	12/15/01- 12/16/01	XYZ Corp.	CLEANER	X	10	X	25
Total Hours Worked Off-Site:							40			

ADDRESS/LOCATION	Floor(s)/ Areas	DATES OF EMPLOYMENT	NAME OF EMPLOYER	JOB TITLE	Job Activity	HOURS WORKED	Shift Worked	Percent Of Total
31a. <input checked="" type="checkbox"/> Verizon Building	To Be Supplied for all Sites Listed	09/20/2001-10/26/2001	NYC Department of Sanitation	Sanitation Worker	Transportation of materials and workers to and from WTC site, cleaned streets around site, removed debris from site, took debris to 59st Barge, drove mechanical broom around site, drove flush truck, changed tire on site for trucks	304	To Be Supplied for all Sites Listed	100.0 %
31b. <input type="checkbox"/>								
31c. <input type="checkbox"/>								
31d. <input type="checkbox"/>								
31e. <input type="checkbox"/>								
31f. <input type="checkbox"/>								
31g. <input type="checkbox"/>								
31h. <input type="checkbox"/>								
31i. <input type="checkbox"/>								
31j. <input type="checkbox"/>								
31k. <input type="checkbox"/>								
31l. <input type="checkbox"/>								
31m. <input type="checkbox"/>								
31n. <input type="checkbox"/>								
31o. <input type="checkbox"/>								
31p. <input type="checkbox"/>								
31q. <input type="checkbox"/>								
31r. <input type="checkbox"/>								
31s. <input type="checkbox"/>								

☐ Other (if checked, attach Rider and continue with same format for sub-divisions)

The plaintiff worked for the total number of hours as indicated below:

<input checked="" type="checkbox"/>	Total Hours Worked Off-Site: 304
-------------------------------------	----------------------------------

*Continue this information on a separate sheet of paper if necessary. If more space is needed to specify "Other" locations, please annex a separate sheet of paper with the information.

5. Injured Plaintiff

- ☒ Was exposed to and breathed noxious fumes on all dates, at the site(s) indicated above;
- ☒ Was exposed to and inhaled or ingested toxic substances and particulates on all dates at the site(s) indicated above;
- ☒ Was exposed to and absorbed or touched toxic or caustic substances on all dates at the site(s) indicated above;
- ☒ Other: Not yet determined.

6. Injured Plaintiff

- ☒ Has not made a claim to the Victim Compensation Fund. Pursuant to §405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- ☐ Made a claim to the Victim Compensation Fund that was denied. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- ☐ Made a claim to the Victim Compensation Fund, that was subsequently withdrawn by Ground-Zero Plaintiff. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.
- ☐ Made a claim to the Victim Compensation Fund that was granted. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any further legal action for the injuries identified in said claim.

B. DEFENDANT(S)

The following is a list of all Defendant(s) named in the Master Complaints. If checked, all paragraphs pertaining to that Defendant are deemed pleaded herein.

☐ THE CITY OF NEW YORK

☐ A Notice of Claim was timely filed and served on _____ and

☐ pursuant to General Municipal Law §50-h the CITY held a hearing on _____ (OR)

☐ The City has yet to hold a hearing as required by General Municipal Law §50-h

☐ More than thirty days have passed and the City has not adjusted the claim

(OR)

☐ An Order to Show Cause application to deem Plaintiff's (Plaintiffs') Notice of Claim timely filed, or in the alternative to grant Plaintiff(s) leave to file a late Notice of Claim *Nunc Pro Tunc* (for leave to file a late Notice of Claim *Nunc Pro Tunc*) has been filed and a determination

☐ is pending

☐ Granting petition was made on _____

☐ Denying petition was made on _____

☐ PORT AUTHORITY OF NEW YORK AND NEW JERSEY ["PORT AUTHORITY"]

☐ A Notice of Claim was filed and served pursuant to Chapter 179, §7 of The Unconsolidated Laws of the State of New York on

☐ More than sixty days have elapsed since the Notice of Claim was filed, (and)

☐ the PORT AUTHORITY has adjusted this claim

☐ the PORT AUTHORITY has not adjusted this claim.

☐ 1 WORLD TRADE CENTER, LLC

☐ 1 WTC HOLDINGS, LLC

☐ 2 WORLD TRADE CENTER, LLC

☐ 2 WTC HOLDINGS, LLC

☐ 4 WORLD TRADE CENTER, LLC

☐ 4 WTC HOLDINGS, LLC

☐ 5 WORLD TRADE CENTER, LLC

☐ 5 WTC HOLDINGS, LLC

☐ 7 WORLD TRADE COMPANY, L.P.

☒ A RUSSO WRECKING

☒ ABM INDUSTRIES, INC.

☒ ABM JANITORIAL NORTHEAST, INC.

☒ AMEC CONSTRUCTION MANAGEMENT, INC.

☒ AMEC EARTH & ENVIRONMENTAL, INC.

☒ ANTHONY CORTESE SPECIALIZED HAULING, LLC, INC.

☒ ATLANTIC HEYDT CORP

☒ BECHTEL ASSOCIATES PROFESSIONAL CORPORATION

☒ BECHTEL CONSTRUCTION, INC.

☒ BECHTEL CORPORATION

☒ BECHTEL ENVIRONMENTAL, INC.

☒ BERKEL & COMPANY, CONTRACTORS, INC.

☒ BIG APPLE WRECKING & CONSTRUCTION CORP

☐ BOVIS LEND LEASE, INC.

☒ BOVIS LEND LEASE LMB, INC.

☒ BREEZE CARTING CORP

☒ BREEZE NATIONAL, INC.

☒ BRER-FOUR TRANSPORTATION CORP.

☒ BURO HAPPOLD CONSULTING ENGINEERS, P.C.

☒ C.B. CONTRACTING CORP

☒ CANRON CONSTRUCTION CORP

☐ CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

☒ CORD CONTRACTING CO., INC

☐ CRAIG TEST BORING COMPANY INC.

☒ DAKOTA DEMO-TECH

☒ DIAMOND POINT EXCAVATING CORP

☒ DIEGO CONSTRUCTION, INC.

☒ DIVERSIFIED CARTING, INC.

☒ DMT ENTERPRISE, INC.

☒ D'ONOFRIO GENERAL CONTRACTORS CORP

☒ EAGLE LEASING & INDUSTRIAL SUPPLY

☒ EAGLE ONE ROOFING CONTRACTORS INC.

☐ EAGLE SCAFFOLDING CO, INC.

☒ EJ DAVIES, INC.

☒ EN-TECH CORP

☐ ET ENVIRONMENTAL

☐ EVANS ENVIRONMENTAL

☒ EVERGREEN RECYCLING OF CORONA

☒ EWELL W. FINLEY, P.C.

- ☒ EXECUTIVE MEDICAL SERVICES, P.C.
☐ F&G MECHANICAL, INC.
☒ FLEET TRUCKING, INC.
☒ FRANCIS A. LEE COMPANY, A CORPORATION
☒ FTI TRUCKING
☒ GILSANZ MURRAY STEFICEK, LLP
☒ GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC
☒ HALLEN WELDING SERVICE, INC.
☒ H.P. ENVIRONMENTAL
☒ HUDSON MERIDIAN CONSTRUCTION GROUP, LLC F/K/A MERIDIAN CONSTRUCTION CORP.
☒ KOCH SKANSKA INC.
☒ LAQUILA CONSTRUCTION INC
☒ LASTRADA GENERAL CONTRACTING CORP
☒ LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEER P.C.
☒ LIBERTY MUTUAL GROUP
☒ LOCKWOOD KESSLER & BARTLETT, INC.
☒ LUCIUS PITKIN, INC
☒ LZA TECH-DIV OF THORTON TOMASETTI
☒ MANAFORT BROTHERS, INC.
☒ MAZZOCCHI WRECKING, INC.
☒ MORETRENCH AMERICAN CORP.
☒ MRA ENGINEERING P.C.
☒ MUESER RUTLEDGE CONSULTING ENGINEERS
☒ NACIREMA INDUSTRIES INCORPORATED
☒ NEW YORK CRANE & EQUIPMENT CORP.
☒ NICHOLSON CONSTRUCTION COMPANY
☒ PETER SCALAMANDRE & SONS, INC.
☐ PHILLIPS AND JORDAN, INC.
☒ PINNACLE ENVIRONMENTAL CORP
☒ PLAZA CONSTRUCTION CORP.
☒ PRO SAFETY SERVICES, LLC
☒ PT & L CONTRACTING CORP
☐ REGIONAL SCAFFOLD & HOISTING CO, INC.
☒ ROBER SILMAN ASSOCIATES
☒ ROBERT L GEROSA, INC
☒ RODAR ENTERPRISES, INC.
☒ ROYAL GM INC.
☒ SAB TRUCKING INC.
☒ SAFEWAY ENVIRONMENTAL CORP
☒ SEASONS INDUSTRIAL CONTRACTING
☒ SEMCOR EQUIPMENT & MANUFACTURING CORP.
☒ SILVERITE CONTRACTING CORPORATION
☐ SILVERSTEIN PROPERTIES, INC.
☐ SILVERSTEIN WTC FACILITY MANAGER, LLC
☐ SILVERSTEIN WTC, LLC
☐ SILVERSTEIN WTC MANAGEMENT CO., LLC
☐ SILVERSTEIN WTC PROPERTIES, LLC
☐ SILVERSTEIN DEVELOPMENT CORP.
☐ SILVERSTEIN WTC PROPERTIES LLC
☒ SIMPSON GUMPERTZ & HEGER INC
☒ SKIDMORE OWINGS & MERRILL LLP
☒ SURVIVAIR
☐ TAYLOR RECYCLING FACILITY LLC
☒ TISHMAN INTERIORS CORPORATION,
☒ TISHMAN SPEYER PROPERTIES,
☒ TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN
☒ TISHMAN CONSTRUCTION CORPORATION OF NEW YORK
☒ THORNTON-TOMASETTI GROUP, INC.
☒ TORRETTA TRUCKING, INC
☒ TOTAL SAFETY CONSULTING, L.L.C
☒ TUCCI EQUIPMENT RENTAL CORP
☒ TULLY CONSTRUCTION CO., INC.
☐ TULLY ENVIRONMENTAL INC.
☐ TULLY INDUSTRIES, INC.
☐ TURNER CONSTRUCTION CO.
☒ TURNER CONSTRUCTION COMPANY
☒ ULTIMATE DEMOLITIONS/CS HAULING
☐ VERIZON NEW YORK INC,
☒ VOLLMER ASSOCIATES LLP
☐ W HARRIS & SONS INC
☒ WEEKS MARINE, INC.
☒ WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C.
☒ WHITNEY CONTRACTING INC.
☒ WOLKOW-BRAKER ROOFING CORP
☐ WORLD TRADE CENTER PROPERTIES, LLC
☒ WSP CANTOR SEINUK GROUP
☒ YANNUZZI & SONS INC
☒ YONKERS CONTRACTING COMPANY, INC.
☒ YORK HUNTER CONSTRUCTION, LLC
☒ ZIEGENFUSS DRILLING, INC.
☐ OTHER: _____

The specific Defendants alleged relationship to the property, as indicated below or as otherwise the evidence may disclose, or their role with relationship to the work thereat, gives rise to liability under the causes of actions alleged, as referenced in the Master Complaint in 21 MC 102.

Instruction: The Defendant(s) names in the 21 MC 102 Master Complaint are re-stated below.

The Defendant's are listed by reference to the building and/or location at which this specific

plaintiff alleges to have worked. . Each sub- paragraph shall be deemed to allege: "With

reference to (address), the defendant (entity) was a and/or the (relationship) of and/or at the

subject property and/or in such relationship as the evidence may disclose," (i.e. With reference to

4 Albany Street, defendant Bankers Trust Company, was the owner of the subject project and/or

in such relationship as the evidence may disclose)

- ☒ 1. With reference to (*address as checked below*), the defendant (*entity as checked below*) was a and/or the (*relationship as indicated below*) of and/or at the subject property and/or in such relationship as the evidence may disclose.

- ☒ (1-146) 140 WEST STREET (VERIZON BUILDING)
- ☒ A. VERIZON NEW YORK, INC. (OWNER)
 - ☒ B. HILLMAN ENVIRONMENTAL GROUP, LLC. (OWNER'S AGENT/CONTRACTOR)
 - ☒ C. ABATEMENT PROFESSIONALS (CONTRACTOR)
 - ☒ D. ABSCOPE ENVIRONMENTAL, INC. (CONTRACTOR)
 - ☒ E. APPLIED ENVIRONMENTAL INC. (CONTRACTOR)
 - ☒ F. BRISTOL ENVIRONMENTAL INC. (CONTRACTOR)
 - ☒ G. CATAMOUNT ENVIRONMENTAL INC. (CONTRACTOR)
 - ☒ H. CLAYTON ENVIRONMENTAL CONSULTANTS (CONTRACTOR)
 - ☒ I. COMPREHENSIVE ENVIRONMENTAL SERVICE CO. (CONTRACTOR)
 - ☒ J. CONTAMINANT CONTROL, INC. (CONTRACTOR)
 - ☒ K. COVINO ENVIRONMENTAL ASSOCIATES, INC. (CONTRACTOR)
 - ☒ L. CRITERION LABORATORIES INC. (CONTRACTOR)
 - ☒ M. DARLING ASBESTOS DISPOSAL COMPANY INC. (CONTRACTOR)

- ☒ N. DIVERSIFIED ENVIRONMENTAL CORPORATION (CONTRACTOR)
- ☒ O. DYNASERV INDUSTRIES, INC. (CONTRACTOR)
- ☒ P. ENVIRONMENTAL PRODUCTS AND SERVICES, INC. (CONTRACTOR)
- ☒ Q. ENVIRONMENTAL SERVICES AND TECHNOLOGIES, INC. (CONTRACTOR)
- ☒ R. ENVIRONMENTAL TESTING, INC. (CONTRACTOR)
- ☒ S. LVI ENVIRONMENTAL SERVICES, INC. (CONTRACTOR)
- ☒ T. LVI SERVICES INC. (CONTRACTOR)
- ☒ U. MARCOR REMEDIATION INC. (CONTRACTOR)
- ☒ V. MILRO ASSOCIATES, INC. (CONTRACTOR)
- ☒ W. NORWICH LABORATORIES (CONTRACTOR)
- ☒ X. PAR ENVIRONMENTAL CORPORATION (CONTRACTOR)
- ☒ Y. PINNACLE ENVIRONMENTAL CORPORATION (CONTRACTOR)
- ☒ Z. POTOMAC ABATEMENT INC. (CONTRACTOR)
- ☒ AA. ROYAL ENVIRONMENTAL INC. (CONTRACTOR)
- ☒ AB. SENCAM, INC. (CONTRACTOR)

- ☒ AC. SPECIALTY SERVICE CONTRACTING INC.
(CONTRACTOR)
- ☒ AD. SYSKA AND HENNESSY (CONTRACTOR)
- ☒ AE. TELLABS OPERATIONS, INC.
(CONTRACTOR)
- ☒ AF. TISHMAN INTERIORS CORPORATION
(CONTRACTOR)

- ☒ AG. TTI ENVIRONMENTAL SERVICES INC.
(CONTRACTOR)
- ☒ AH. WILLIAM F. COLLINS, ARCHITECT
(CONTRACTOR)
- ☒ AI. ENVIROSERVE INC. (CONTRACTOR)

☐ OTHER: if an individual plaintiff is alleging injury sustained at a building/location other than as above, and/or if an individual plaintiff is alleging an injury sustained at a building/location above, but is alleging a claim against a defendant not listed for said building, plaintiff should check this box, and attach a Rider. Individual plaintiff should then immediately notify Plaintiff Liaison by email and in writing, and request an amendment to the Master Pleadings and the Check-Off Complaint pursuant to the applicable CMO governing said amendment.

II. JURISDICTION

The Court's jurisdiction over the subject matter of this action is:

☒ Founded upon Federal Question Jurisdiction; specifically; ☒ Air Transport Safety & System Stabilization Act of 2001, (or); ☐ Federal Officers Jurisdiction, (or); ☐ Other (specify): _____; ☐ Contested, but the Court has already determined that it has removal jurisdiction over this action, pursuant to 28 U.S.C. § 1441.

III CAUSES OF ACTION

Plaintiff(s) seeks damages against the above named defendants based upon the following theories of liability, and asserts each element necessary to establish such a claim under the applicable substantive law:

<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law(s) including §§ 200 and 240	<input checked="" type="checkbox"/>	Common Law Negligence, including allegations of Fraud and Misrepresentation
<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law 241(6)		<input checked="" type="checkbox"/> Air Quality; <input checked="" type="checkbox"/> Effectiveness of Mask Provided; <input type="checkbox"/> Effectiveness of Other Safety Equipment Provided
<input type="checkbox"/>	Pursuant to New York General Municipal Law §205-a		(specify: _____); <input checked="" type="checkbox"/> Other(specify): <u>Not yet determined.</u>
<input type="checkbox"/>	Pursuant to New York General Municipal Law §205-e	<input type="checkbox"/>	Wrongful Death
		<input checked="" type="checkbox"/>	Loss of Services/Loss of Consortium for Derivative Plaintiff
		<input checked="" type="checkbox"/>	Pursuant to 46 U.S.C. § 688 <i>et seq.</i> , and 28 U.S.C. § 1333. SEE RIDER

IV CAUSATION, INJURY AND DAMAGE

1. As a direct and proximate result of defendant's culpable actions in the rescue and/or recovery and/or construction, renovation, alteration, demolition and all work performed at the premises, the Injured Plaintiff sustained (including, but not limited to) the following injuries:

<input type="checkbox"/>	Cancer Injury: <u>N/A.</u> Date of onset: _____ Date physician first connected this injury to WTC work: _____	<input checked="" type="checkbox"/>	Cardiovascular Injury: <u>Chest Pain</u> Date of onset: <u>1/2/2008</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>
<input checked="" type="checkbox"/>	Respiratory Injury: <u>Cough; Shortness of Breath; Sinus Problems; and Wheezing</u> Date of onset: <u>1/2/2008</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>	<input checked="" type="checkbox"/>	Fear of Cancer Date of onset: <u>2/15/2008</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>
<input checked="" type="checkbox"/>	Digestive Injury: <u>Gastritis; and Heartburn/acid reflux/GERD</u> Date of onset: <u>1/2/2008</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>	<input checked="" type="checkbox"/>	Other Injury: <u>Chronic Headaches; Hiatal Hernia; Sleep Apnea - with CPAP; Sleep Problems; and Sleeping Problems</u> Date of onset: <u>1/2/2008</u> Date physician first connected this injury to WTC work: <u>To be supplied at a later date</u>

NOTE: The foregoing is NOT an exhaustive list of injuries that may be alleged.

2. As a direct and proximate result of the injuries identified in paragraph "1", above, the Ground Zero-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages:

<input checked="" type="checkbox"/> Pain and suffering	<input checked="" type="checkbox"/> Disability
<input checked="" type="checkbox"/> Loss of the enjoyment of life	<input checked="" type="checkbox"/> Medical monitoring
<input checked="" type="checkbox"/> Loss of earnings and/or impairment of earning capacity	<input checked="" type="checkbox"/> Other: <u>Not yet determined.</u>
<input checked="" type="checkbox"/> Loss of retirement benefits/diminution of retirement benefits	
<input checked="" type="checkbox"/> Expenses for medical care, treatment, and rehabilitation	
<input checked="" type="checkbox"/> Other: <input checked="" type="checkbox"/> Mental anguish	

3. ☒ As a direct and proximate result of the injuries described *supra*, the derivative plaintiff(s), if any, have in the past suffered and/or will in the future suffer a loss of the love, society, companionship, services, affection, and support of the plaintiff and such other losses, injuries and damages for which compensation is legally appropriate.

WHEREFORE, plaintiff(s) respectfully pray that the Court enter judgment in his/her/their favor and against defendant(s) for damages, costs of suit and such other, further and different relief as may be just and appropriate.

Plaintiff(s) demands that all issues of fact in this case be tried before a properly empanelled jury.

Dated: New York, New York
June 26, 2008

Yours, etc.,

Worby, Groner Edelman & Napoli Bern, LLP
Attorneys for Plaintiff(s), Robert Vazquez and Bernice Vazquez



By: _____
Christopher R. LoPalo (CL 6466)
115 Broadway
12th Floor
New York, New York 10006
Phone: (212) 267-3700

RIDER

Jurisdiction is predicated upon 28 U.S.C. §1331, pursuant to 46 U.S.C. § 688, *et seq*, commonly, and hereafter referred to as the *Jones Act*, and under 28 U.S.C. § 1333, General Maritime and Admiralty Jurisdictions of the United States.

Weeks Marine barges are vessels of United States registry and either are or will be within the jurisdiction of this Court during the pendency of this action.

At all material times Weeks Marine was the owner and/or the owner *pro hoc vice*, and/or the bareboat charter of the barges.

At all material times Weeks Marine managed and/or controlled the barge(s).

Plaintiff's injuries occurred due to the negligence and fault of the defendants, their employees, and/or their agents and servants, in that they failed to have adequate and safe procedures for the seamen on the vessel to safely take on, haul, and remove debris, and dredge there was inadequate supervision, training, safety and health equipment and planning of the job.

The conditions, acts and omissions stated above rendered the barges unseaworthy as did the fact that the vessel was not properly designed to take on, haul, transport, and remove hazardous substances.

As a result of defendants' negligence and the unseaworthiness of the barge, plaintiff incurred loss of wages and found, medical expenses, pain and suffering, and will incur future loss of wages and found, medical expenses, pain and suffering.

ATTORNEY VERIFICATION

CHRISTOPHER R. LOPALO, an attorney at law, duly admitted to practice in the Courts of the State of New York, affirms under the penalties of perjury that:

He is the attorney for the plaintiff(s) in the above-entitled action. That he has read the foregoing SUMMONS AND VERIFIED COMPLAINT and knows the contents thereof, and upon information and belief, deponent believes the matters alleged therein to be true.

The reason this Verification is made by deponent and not by the plaintiff(s) is that the plaintiff(s) herein reside(s) in a county other than the one in which the plaintiff's attorneys maintain their office.

The source of deponent's information and the grounds of his belief are communication, papers, reports and investigation contained in the file.

DATED: New York, New York
June 26, 2008


CHRISTOPHER R. LOPALO

Docket No:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Robert Vazquez (and Wife, Bernice Vazquez),

Plaintiff(s)

- against -

SEE RIDER

Defendant(s).

SUMMONS AND VERIFIED COMPLAINT

WORBY GRONER EDELMAN & NAPOLI BERN, LLP

Attorneys for: Plaintiff(s)

Office and Post Office Address, Telephone

115 Broadway - 12th Floor
New York, New York 10006
(212) 267-3700

To
Attorney(s) for

Service of a copy of the within
is hereby admitted.

Dated,

Attorney(s) for

PLEASE TAKE NOTICE:

☐ **NOTICE OF ENTRY**

that the within is a (certified) true copy of an
duly entered in the office of the clerk of the within named court on ____20__

☐ **NOTICE OF SETTLEMENT**

that an order _____ of which the within is a true copy
will be presented for settlement to the HON. _____ one of the
judges of the
within named Court, at
on ____20__ at ____M.
Dated,

Yours, etc.,

WORBY GRONER EDELMAN & NAPOLI BERN, LLP